

FROM  
 Intellectual Property Group of  
 Pillsbury Winthrop LLP  
 Attorneys at Law  
 11682 El Camino Real, Suite 200  
 San Diego, CA 92130-2092  
 Telephone: (619) 234-5000  
 Our Facsimile #: (858) 509-4010

FACSIMILE TRANSMISSIONTO: UNITED STATES PATENT AND TRADEMARK OFFICE

FACSIMILE #: (571) 273-0690 (Examiner Amelia Owens, Art Unit No. 1625)  
 Telephone #: (703) 308-4707  
 No. Pages (Including this page) 13 FAX Opr: \_\_\_\_\_

IF YOU DO NOT RECEIVE CLEARLY ALL PAGES, PLEASE CONTACT US IMMEDIATELY

By Telephone AT: (619)234-5000

USPTO:

PLEASE ACKNOWLEDGE CLEAR RECEIPT OF ALL PAGES INDICATED ABOVE BY  
 FAXING THIS PAGE BACK TO ONE OF OUR FACSIMILE NUMBERS STATED ABOVE

In re PATENT APPLICATION of  
 Inventor(s) Kelly, et al. Group Art Unit: 1625  
 Appln. No. 09/585,157 Examiner: Amelia Owens  
 Filed: June 12, 2002 Atty. Dkt. 007779-0282195  
 TITLE: ANTIFUNGAL AND ANTIMYCOBACTERIAL BASILISKAMIDES  
 Name or type of signed paper being transmitted: Date: June 28, 2004  
 • Copies of Documents as filed on 6/12/02 as follows:  
 Request for Filing of Continuation Application; Declaration;  
 Transmittal Letter; Postcard Receipt date stamped 06/12/2002 by USPTO.

MESSAGE:

Re: Continuation Application as filed on 6/12/2002  
 Ser. No. 09/585,157

Dear Examiner Owens:

Enclosed are copies of Continuation Application documents as filed on June 12, 2002 for the above-identified application.

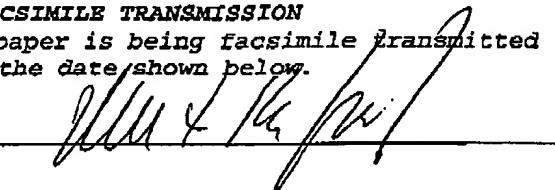
Please feel free to call if you have any questions.

Robert M. Bedgood

(ATTN: Atty/Sec.: Transmit only one paper herewith. For papers not acceptable by fax, see back side or LAN Forms Directory PAT-288 Rear. Do not file originals but fasten them in our file (left side) with this sheet and fax receipt on top. Do NOT send the originals nor a confirmation copy to the PTO.)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Name Robert M. Bedgood, Ph.D. Sig. 

Reg. No. 43,488

Date June 28, 2004

## PAT-103 3/01 PTO RECEIPT FOR INDICATED ITEMS

Appln. No: New Continuation of 09/385,157

Inventor(s) KELLY et al.

Title: ANTIFUNGAL AND ANTIMYCOBACTERIAL  
BASILISKAMIDES

Atty JRW

Date 6/12/02

C# 007779

M# 0260755

## ENCLOSED:

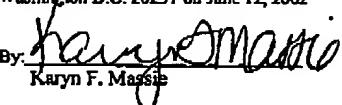
 Amendment  Appendix  Cover sheet# 2 No. of Pages Abstract# 28 No. of Pages Spec and Claims# 16 No. of numbered Claims only Declaration (4 #pgs) Assignment  Cover Sheet# 0 No. of Priority Documents# 0 No. Sheets Drawings (Fig(s) 1 to 0)  1 set Formal IDS Letter  cited Appl(s).  Foreign sch rept/OA PTO-1449  cited docs.\$ 0 Fee (Check)

Other: Transmittal letter (x2); and Return Postcard

DT11 Rec'd PCT/PTO JUN 12 2002

EV092575136 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION Of: ) Group Art Unit: 1625  
Kelly, et al. )  
Parent U.S. Serial No.: 09/585,157 ) Examiner: Amelia A. Owens  
Parent Filing Date: June 1, 2000 )  
Filing Date: June 12, 2002 )  
For: ANTIFUNGAL AND ) Certificate of Express Mailing  
ANTIMYCOBACTERIAL )  
BASILISKAMIDES )  
I, Karyn F. Massie, hereby certify that this paper or fee is being  
deposited with the United States Postal Service as Express  
Mail, Mailing Label No. EV 092 575 136 US to Addressee  
service under 37 C.F.R. § 1.10 on the date indicated below and  
is addressed to: Assistant Commissioner for Patents,  
Washington D.C. 20231 on June 12, 2002.  
By:   
Karyn F. Massie

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box PATENT APPLICATION

TRANSMITTAL LETTER

Transmitted herewith for filing are the following:

1. Request for Filing of Continuation application under Rule 53(b) (in duplicate);
2. Copy of Combined Declaration and Power of Attorney of the parent application;
3. Application Cover Sheet;
4. Copy of specification from parent application with abstract; and
9. Return postcard.

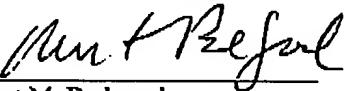
Atty Dkt. No. 007779/0260755

Please charge the requisite fee, as set forth in 37 C.F.R. § 1.17(h), for the filing of this transmittal letter with accompanying documents to deposit account no. 03-3975, order no. 007779/0260755. A duplicate of this transmittal letter is enclosed for accounting purposes.

Respectfully submitted,

PILLSBURY WINTHROP LLP

Date: 6-12-02



Robert M. Bedgood  
Reg. No. 43,488

Please send all correspondence to:  
11682 El Camino Real  
Suite 200  
San Diego, CA 92130  
Telephone: (858) 509-4065  
Facsimile: (858) 509-4010

Certificate of Express Mailing Under 37 C.F.R. §1.10

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being mailed via "Express Mail Post Office to Addressee" service of the United States Postal Services (Express Mail Label No. EV 092 575 136 US) on the date shown below in an envelope addressed to the Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231, Attention: Box PATENT APPLICATION.

Dated: June 12, 2002

By   
Kalyn F. Massie

**IN THE UNITED STATES PATENT AND TRADEMARK  
OFFICE  
REQUEST FOR FILING  
(RULE 53(b)(1))**

For Design or Utility Applications

(DO NOT USE FOR CIPs)

Rule 53(b)(1) PATENT APPLICATION:

Continuation )  
 ) application under 37 CFR 1.53(b)(1)  
 Divisional )

Application under 37 CFR 1.53(b)(1)  
Of pending prior application of

Group Art Unit: 1625

Inventor(s): KELLY, Michael

Parent Appln. No.: 09

585,157

Examiner: Amelia Owens

Atty. Dkt. 007779/  
0260755

New M#

Client Ref

Series Code ↑

Serial No. ↑

Parent Filed: June 1, 2000

This Appln. Filed: June 12, 2002

Title: ANTIFUNGAL AND ANTIMYCOBACTERIAL BASILISKAMIDES

Hon. Commissioner of Patents  
Washington, DC 20231

Date: June 12, 2002  
(Parent Matter No. 007779/0260755 )

Sir:

To effect the above-requested filing today:

1. Attached is a copy (which must be filed) of the prior application, including:

Abstract  
 Specification and claims (28 pages) (must be attached)  
 Drawings (must be attached if originally filed): sheet(s)/set  1 set informal;  Formal of size  A4  11"

1A. Always X one box, only:

(1)  Copy of Signed declaration or oath as originally filed in prior application attached  
(2)  NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

2.  This application is hereby filed by less than all of the inventors named in the prior application. Petition is

hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this application (DELETE THE FOLLOWING INVENTOR(S)):

1. \_\_\_\_\_ 2. \_\_\_\_\_  
 3. \_\_\_\_\_ 4. \_\_\_\_\_  
 5. \_\_\_\_\_ 6. \_\_\_\_\_  
 7. \_\_\_\_\_ 8. \_\_\_\_\_

2.5 THE INVENTOR(S) FOR THIS NEW APPLICATION IS(ARE):

1. \_\_\_\_\_ 2. \_\_\_\_\_  
 3. \_\_\_\_\_ 4. \_\_\_\_\_  
 5. \_\_\_\_\_ 6. \_\_\_\_\_  
 7. \_\_\_\_\_ 8. \_\_\_\_\_

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4.  Priority is claimed under 35 U.S.C. 119/365 based on filing in \_\_\_\_\_ Of

<u>Application No.</u>	<u>Filing Date</u>	<u>Application No.</u>	<u>Filing Date</u>
(1) _____	_____	(2) _____	_____
(3) _____	_____	(4) _____	_____
(5) _____	_____	(6) _____	_____

a.  (No.) Certified copy/copies attached.

b.  Certified copy/copies previously filed on \_\_\_\_\_ In  
 U.S. Application No. \_\_\_\_\_ / \_\_\_\_\_, filed on \_\_\_\_\_

Series code ↑ ↑ serial no.

c.  Certified copy/copies filed during International stage of PCT/ \_\_\_\_\_ / \_\_\_\_\_

4. (a)  Domestic priority is claimed from PCT/ EP98/06146, filed September 28, 1998.  
 (b)  Benefit is claimed of Provisional Application No. 60/\_\_\_\_\_, filed \_\_\_\_\_.  
 \_\_\_\_\_

5.  Prior application is assigned to University of British Columbia, Vancouver, British Columbia  
 by assignment recorded January 18, 2001 Reel 011463 Frame 0069

(Date)

6.  Attached is the following number of Assignments (including original and all later successive ones by different assignors): 1 and respective new Cover Sheets. (Do NOT file old cover sheets.)

(Assignments in parent must be refiled with new Cover Sheets in this continuing application if you want it/therm recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7.  The power of attorney in the prior application is to John R. Wetherell, Jr., Registration No. 31,678

(Name and Reg. No.)

whose current address is as in item 8 below.

a.  Recognize as Patent Agent Robert M. Bedgood, Registration No. 43,488

(Name, Reg. No. and Address)

8. Address all future communications to Intellectual Property Group  
of Pillsbury Winthrop LLP, 50 Fremont Street, P.O. Box 7880, San Francisco, CA 94105

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:

No. 09/ 585,157 filed June 1, 2000  
No. 60/ 137,166 filed June 1, 1999  
No. / filed

No. PCT/ filed , which  
designated the U.S. and that International Application  was  was not published under PCT Article 21(2) in English

9(a).  See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)

10. Small Entity Status  is Not claimed  is claimed (pre-filing confirmation required)

1 (No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:  
 filed in above prior application (copy enclosed)  
 attached.

11. Petition to extend the life of the above prior application to at least the date hereof  
(one box)  is being concurrently filed in that prior application (Use Form PAT-111).  
(must be)  was previously filed in that prior application (Check length of prior extension).  
(X'd)  is not necessary for copendency (Double check before X'ing this box).

12.  INFORMATION DISCLOSURE STATEMENT: Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.

13.  Attached is a Rule 103(a) Petition to Suspend Action.

14.  Please see the attached Preliminary Amendment which reduces the number of claims for purposes of reducing the initial filing fee.

FILING FEE

THE FOLLOWING FILING FEE IS BASED ON

->->->CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14<<<-

NOTE: If box 1A2 is X'd, do not pay fees,  
but leave lines 15-22 and 27-32 blank.

PTO: PLEASE NOTE CLAIM CANCELLATIONS IF BOX 14 ABOVE IS X'D.

			Large/Small Entity	Fee Code
15. Basic Filing Fee . . . . .		Design Application	\$330/\$165	106/26
16. Basic Filing Fee . . . . .		Utility Application	\$740/\$370	101/201
17. Total Effective Claims	16	minus 20 =	0	x \$18/\$9 + 103/203
18. Independent Claims	2	minus 3 =	0	x \$84/\$42 +0 102/202
19. If any proper multiple dependent claim (ignore improper) is present,			\$280/\$140 +0	104/204

20.	Subtotal =	\$370
21. If "petition" box 13 above is X'd, add petition fee. ....	\$130	+0 122
21A. If box 6 above is X'd, add Assignment recording fee .....	\$ 40	+ 581

22.	TOTAL FILING FEE ATTACHED =	\$370
-----	-----------------------------	-------

(carry forward to item 31)

23.  ATTACHED:24.  Preliminary Amendment attached (to be entered after assigning Appn. No.)25.  See NONPUBLICATION REQUEST under Rule 213(a) attached (Pat-258)

26. **ADDITIONAL FEE CALCULATION FOR  
PRELIMINARY AMENDMENT  
PER BOXES 24/25**

Claims remaining after amendment	Highest number previously paid for	Present Extra	Additional Fee	
			Large/Small Entity	File Code
27. Total Effective Claims <u>*16</u>	minus ** <u>20</u>	= <u>0</u> x \$18/\$9 =	\$ <u>0</u>	(103/203)
28. Independent Claims <u>*2</u>	minus *** <u>3</u>	= <u>0</u> x \$84/\$42 =	+ <u>0</u>	(102/202)
29. If amendment enters proper multiple dependent claim(s) into this application for the <u>First time</u> , add (per application) .....		\$280/\$140	+ <u>0</u>	(104/204)
30.		ADDITIONAL FEE	\$ <u>0</u>	
31.	plus FEE from item 22 on page 3		+ <u>370</u>	
32.	<b>TOTAL FEE ATTACHED</b>		<b>\$ <u>370</u></b>	

33. \*If the entry in this space is less than a entry in the next space, the "Present Extra" result is "0"

34. \*\*If the "Highest number previously paid for" (see item 17 above) is less than 20, write "20" in this space

35. If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space

Our Deposit Account No. 03-3975

Our Order No. 007779

0260755

C#

M#

**CHARGE STATEMENT:** Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Pillsbury Winthrop LLP  
Intellectual Property Group

11682 El Camino Real, # 200  
San Diego, CA 92130  
Tel (858) 509- 4065

By Atty: Robert M. Bedgood, Ph.D. Reg. No. 43,488

Sig: Robert M. Bedgood Fax: (858) 5094010  
Direct (858) 509-4065  
Tel:

RMB/KFM(Atty./Sec.)

NOTE No. 1: File this Request in duplicate with postcard receipt (PAT-103) & attachments

NOTE No. 2: Is extension in parent necessary for copendency? DOUBLE CHECK Item 11 above.  
If yes, printout Pat-111 and head it in parent.